

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE SOUTHERN DISTRICT OF OHIO  
3                   WESTERN DIVISION, CINCINNATI

4                   EVERETT W. WHISMAN, et al.: Case No. C-1-02-406  
5                   Plaintiffs, : Judge Beckwith  
6                   V. : Magistrate Sherman  
7                   ZF BATAVIA, LLC, et al., :  
8                   Defendants. :  
9                   

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10                  Deposition of PAMELA J. BLANCO, taken on  
11                  Friday, August 22, 2003, commencing at 11:09 a.m.,  
12                  at the offices of Baker & Hostetler LLP, 312 Walnut  
13                  Street, Suite 3200, Cincinnati, Ohio, before  
14                  Susan M. Barhorst, Notary Public.

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17                  VOLUME I, PAGES 1-107

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1 APPEARANCES:

2 On behalf of Plaintiffs:

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4 Cincinnati, Ohio 45202

5 Also present:

6 Dena Stevens

7 On behalf of Defendant ZF Batavia, LLC:

8 John J. Hunter, Jr., Esq.  
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10 Also present:

11 Herb Huebner

12 On behalf of Defendant Ford Motor Company:

13 Jeffrey L. VanWay, Esq.  
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16 Cross-Examination

17 by Mr. Hunter 4

18 by Mr. VanWay 68

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	BLANCO DEPOSITION EXHIBITS	MARKED/ IDENTIFIED
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2	2	30
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1 PAMELA J. BLANCO

2 being first duly sworn, testified as follows:

3 CROSS-EXAMINATION

4 BY MR. HUNTER:

5 Q. Ma'am, will you please state your name  
6 for the record?

7 A. Pamela J. Blanco.

8 Q. And your current residence address?

9 A. 1170 Elm Ridge Drive, Amelia, 45102.

10 Q. Ms. Blanco, I believe we've met before  
11 out at the plant on a couple of occasions that I  
12 can think of. My name is John Hunter. I represent  
13 ZF Batavia in the proceedings today.

14 I also recall you sat through  
15 depositions a couple weeks ago, so you're at least  
16 somewhat familiar with the process?

17 A. Yes, sir.

18 Q. Have you ever had your deposition  
19 taken before?

20 A. In what -- in what kind of --

21 Q. Ever, in any regard.

22 A. Any? Yes.

23 Q. Okay. And in what regard was your  
24 deposition taken?

1 A. In Gene Gilliam's -- you were there.

2 Q. Okay. And with respect to any other  
3 matters?

4 A. Gosh, I can't think of any right now.

5 Q. Okay. All right. The format today is  
6 basically the same. I have a number of questions  
7 that I have with respect to the claims that you  
8 have brought against the company and will do my  
9 best to ask those in a clear, concise and loud  
10 enough manner that you can hear me.

11 But if at any point in time you can't  
12 hear me, you don't understand the question, or for  
13 whatever reason you don't feel that you can fairly  
14 answer the question, I want you to stop me and let  
15 me know and I'll try and fix whatever that  
16 shortcoming is, okay?

17 A. Yes.

18 Q. Is there anything today that would  
19 prevent you from being able to go forward with  
20 today's deposition, in terms of a medical or a  
21 personal issue?

22 A. No --

23 Q. Okay.

24 A. -- not that I'm aware of. Some people

1 may think that way, but --

2 Q. If I use the term "Ford transitional,"  
3 what do you understand that -- what would you  
4 understand that to mean?

5 A. Can you be a little more specific? Do  
6 you mean in what -- how the plant perceives us or  
7 what I --

8 Q. Okay. And that's what I want is a  
9 common understanding. If I use the term, "Ford  
10 transitional," what I'm speaking about is an  
11 employee -- a former employee of Ford Motor Company  
12 that back in 1999 agreed to join ZF Batavia -- I  
13 may refer to that sometimes as the joint venture --  
14 and became an employee with ZF Batavia and  
15 either -- and terminated their employment with Ford  
16 Motor Company, all right?

17 A. That's okay.

18 Q. And you understand that?

19 A. Yes.

20 Q. Okay. Are you a Ford transitional?

21 A. Yes, I am.

22 Q. All right. And prior to becoming an  
23 employee with ZF Batavia, how long had you worked  
24 for Ford?

1           A.     I started in Ford in August of '93, be  
2     six years. A little over six years, like that.

3           Q.     What was your first position there at  
4     Ford?

5           A.     I was a salaried supervisor in ATX and  
6     then I worked there when I started.

7           Q.     And you say "a salaried supervisor,"  
8     is that like a floor supervisor, group leader or  
9     what?

10          A.     Right. Well, okay. When ATX, that  
11     was a grade six in Ford's standards. I was in --  
12     had graduated from Purdue --

13          Q.     Okay.

14          A.     -- and they started engineers out on  
15     the floor at that time.

16          Q.     Okay. And how many people were you  
17     supervising at that time?

18          A.     Back then, I think there was like  
19     probably 16. It was not a team concept as we --  
20     Batavia knows it as today.

21          Q.     Okay.

22          A.     I'm just guessing on that.

23          Q.     That's okay.

24          A.     It was not a -- ATX, you did not have

1       a lot of employees under the hourly because there  
2       weren't, like I said, a team concept. So you  
3       dictated more what they did, instead of the team  
4       coming together and working together.

5           Q.     Okay. Did your position change while  
6       you were at Ford?

7           A.     I went into engineering.

8           Q.     Okay.

9           A.     I -- let's see. I went to AT -- let's  
10      see. I went to CD4E, yes.

11          Q.     CD4E over at Batavia?

12          A.     Right --

13          Q.     Okay.

14          A.     -- as group leader. Went into  
15      engineering and I went back on the floor as a group  
16      leader. It's kind of like a temporary assignment  
17      and it developed into a, again, a full-time  
18      position.

19          Q.     And this was during your tenure with  
20      Ford Motor Company?

21          A.     Well, since '93 until ZF took over and  
22      then I went in -- I was in center shop, supervisor.

23          Q.     But while you were at Ford?

24          A.     Right.

1           Q.     Okay. All right.

2           A.     I think I got all those right, all  
3     those departments.

4           Q.     What position did you hold immediately  
5     prior to joining the joint venture?

6           A.     Supervisor in maintenance. I think  
7     center shop, sanitation type departments.

8           Q.     My understanding is that there were a  
9     number of meetings that were held with the salaried  
10    Ford employees regarding coming over to the joint  
11    venture. Do you recall that?

12          A.     Yes.

13          Q.     Did you attend any of those meetings?

14          A.     Yes.

15          Q.     Do you remember specifically which  
16    meetings you might have attended?

17          A.     The one in the cafeteria where they  
18    displayed -- example, our salary. The people they  
19    introduced, they talked about CVT, the positive,  
20    all the good stuff.

21          Q.     Did they talk about the bad stuff?

22          A.     Just all the positive stuff.

23          Q.     All right. Let's try and nail down  
24    some details here. Would this be the May 27th,

1       1999, one of those meetings that was held that  
2       you're referring to?

3           A.     Yes.

4           Q.     All right. And if I am not mistaken,  
5       I think there were two meetings held on the 27th,  
6       one in the morning, one in the afternoon?

7           A.     Yes.

8           Q.     Do you remember which meeting you went  
9       to?

10          A.     I believe it was the afternoon.

11          Q.     Now, was this the first formal meeting  
12       that you went to regarding your transitioning over  
13       to the joint venture?

14          A.     Yes. Well, with the exception of when  
15       they announced it, Jacques Nasser, the video.

16          Q.     Okay. Was that a meeting or was it  
17       more like a press conference?

18          A.     Town hall, right.

19          Q.     When you made your decision to  
20       transfer over to Batavia, did you consider at all  
21       the little press conference with Mr. Nasser?

22          A.     When I transferred to Batavia?

23          Q.     I'm sorry. To ZF Batavia.

24          A.     Okay. Did I -- well that was one of

1       the reasons I declined first.

2           Q.     Okay.

3           A.     I'll be honest -- you know, because  
4     Jacques Nasser got up there and said we could be a  
5     Ford employee, then they retracted that. They also  
6     said -- he also -- I think it was him on the --  
7     what a fantastic workforce we had. And that kind  
8     of bothered me to publish that and everyone knew  
9     that Batavia was -- had some issues, labor issues.

10          Q.     Okay. Well, let's talk, I guess, a  
11     little bit more about the Nasser press conference.  
12     I think that was approximately October of 1998?

13          A.     Mm-hmm.

14          Q.     There was a video screen kind of  
15     outside the hospital area out there in the plant?

16          A.     Yes, sir.

17          Q.     And I gather from what you said, you  
18     didn't necessarily believe what Mr. Nasser was  
19     saying at that time?

20          A.     No, I did -- well, I did believe that  
21     we could stay Ford.

22          Q.     Okay.

23          A.     I did believe that.

24          Q.     But you made a comment, something

1       about that you acknowledged or understood it wasn't  
2       necessarily the best workforce or something like  
3       that.

4           A.     I mean, he was really putting -- I  
5       don't think any workforce the way he was  
6       demonstrating on that TV that we had -- there is no  
7       workforce, whether it's McDonald's or whether it's  
8       Ford or Chrysler or anyone that can be that  
9       domineering and the most wonderful. I mean, he  
10      really built everyone up so much that no one  
11      could --

12           Q.     Nobody would have reasonably believed  
13      him?

14           A.     Right.

15           Q.     All right.

16           A.     I mean, you can't be that fantastic.  
17      No workforce -- you do have your problems.

18           Q.     All right. And I think you said you  
19      took away from that press conference kind of the  
20      concept that you would be able to stay a Ford  
21      employee?

22           A.     Yes, yes.

23           Q.     Okay.

24           A.     I didn't take away. That's what he

1 said.

2 Q. All right. When was the next meeting  
3 or discussion that you had relative to your  
4 transitioning over to ZF Batavia?

5 A. You know, there was so much discussion  
6 throughout the salary ranks, the hourly ranks,  
7 everyone -- it was kind of -- I can't even give you  
8 a time frame.

9 Q. Okay. Well, let's talk about the next  
10 formal meeting. Would that be the May 27th  
11 meeting?

12 A. Yes.

13 Q. Okay. We talked about --

14 A. As far as I can remember exactly --  
15 you know, like I said, we had -- there was a lot of  
16 discussion with everyone. It was a continual,  
17 on-your-mind discussion. You know, they did come  
18 out and retracted it that we couldn't. I don't  
19 remember what date, what month.

20 Q. Okay. At the May 27th meeting, do you  
21 remember who was there?

22 A. I know there was salary people there.

23 Q. Okay.

24 A. I mean, who was giving the

1 presentation?

2 Q. Whatever you remember, attendees or  
3 presenters or otherwise.

4 A. Norm Kauffee was there. I think Jerry  
5 Priest. There was just a lot of people was already  
6 gone, all the engineers. I remember Dave Adams.

7 Q. Okay.

8 A. Karl Kehr. That's -- I can't think of  
9 anybody. I mean, there was just a lot of people.

10 Q. Okay. Do you remember in particular  
11 anything Dave Adams said?

12 A. Dave Adams was very positive about ZF.

13 Q. Okay. Did Dave say anything about  
14 compensation or anything like that?

15 A. No. He just -- he just said that it  
16 was going to be like -- and I don't know who -- we  
17 did not, if I'm remembering right, Dave Adams got  
18 up there because I -- his name stuck with me,  
19 probably 'cause he was just so energetic about the  
20 ZF joint venture. And we did not -- I don't  
21 remember getting these. They did not have these  
22 handouts.

23 Q. Okay.

24 A. They had them on the screen. He made

1       a comment. He said, Well, let's -- do we have any  
2       handouts to give these people -- you know, so they  
3       can observe and look over? And they gave it to us  
4       later.

5                 Now, I could be -- it could be another  
6       documentation, but I'm really believing this. And  
7       because I couldn't keep up with all -- everybody  
8       was introducing themself and there was no list to  
9       go by that you could kind of jot down. It had  
10      blue -- to kind of see who was here and who was  
11      there.

12               And for some reason, I thought like  
13      Karl and -- except Dave Adams. All the other  
14      people involved in the presentation were all Ford  
15      Motor Company people. Dave Adams strictly -- he  
16      came up under the ZF employee -- really energetic  
17      about it. And everyone else was really excited,  
18      too. But I -- I don't know why, I got the  
19      impression everyone else was Ford.

20               Q.       Do you remember, was Mr. Kehr there?  
21       I think you told me that he was.

22               A.       Yeah, I think he was. Yes, because he  
23      got up there and he was talking about it's going to  
24      be like -- there was somebody up there talking

1       about it was going to be like Ford.

2                   Like I said, you had a cafeteria full  
3       of people on both sides. I mean, it was just -- it  
4       was packed.

5                   Q.     Do you remember specifically anything  
6       that Mr. Kehr might have said?

7                   A.     Specifically? No, I can't say, okay,  
8       you said this and you said that. I do remember  
9       this is a joint venture opportunity. You'll be on  
10      the ground floor. You have seniority. There's  
11      promotional opportunities. It's going to be like  
12      Ford. Your overtime will stay the same.

13                  Q.     But you can't --

14                  A.     Salary.

15                  Q.     -- attribute those to anybody?

16                  A.     No. One -- one thing, Dave Adams did  
17      say that we would make more money than -- see, I do  
18      remember this. Dave Adams did -- it was Dave  
19      Adams. He said we will make more money than the  
20      Ford employees -- I mean the ZF employees that came  
21      in because we were a joint venture and our salaries  
22      were higher than the people at Ford -- or I mean at  
23      ZF. Does that make sense?

24                  Q.     Mm-hmm.

1           A.     Are you following me?

2           Q.     I guess -- what does that mean, in  
3     terms of that you would make money, that your  
4     salary --

5           A.     Okay.

6           Q.     -- would be higher or --

7           A.     Our base salary starting out is higher  
8     than a ZF employee coming in.

9           Q.     Other than that your base salary was  
10   higher, did that mean anything else to you?

11          A.     Did that mean -- no. I mean, it meant  
12   that we were going to be a joint venture. We had  
13   to get lean and mean and -- you know, but Ford  
14   understood that they weren't going to come in here  
15   and take our salary away and things were going to  
16   stay the same.

17                 Maybe not the same -- you know, we  
18   were going to have a CVT. We're going to have new  
19   technology, which that's what you want. It was a  
20   great experience.

21          Q.     Based on the meeting on the 27th, at  
22   the end of that meeting, did you still have  
23   questions about what you thought you were going to  
24   receive or otherwise?

1           A.     It was pretty well laid out.

2           Q.     Okay.

3           A.     They said they would get -- you know,  
4     we got other documentation later on.

5           Q.     Do you recall, you made the comment  
6     you received or that Exhibit 4 was given to you,  
7     but not at the meeting.

8           A.     I don't think it was because --

9           Q.     All right. At no point it was given  
10    to you?

11          A.     Oh, yeah. Later on they gave it to  
12    us.

13          Q.     That's what I --

14          A.     We got it.

15          Q.     Okay.

16          A.     Yeah, later on, we got it.

17          Q.     Do you remember when?

18          A.     If they ran out -- no. If they ran  
19    out, we didn't -- I didn't have it 'cause like I  
20    said --

21                MR. SIMON: He just had asked you when  
22    you received it. Go ahead.

23                THE WITNESS: Okay.

24                MR. SIMON: That's all he asked.

1                   Q.     All right. But you don't remember  
2     when you received that?

3                   A.     No.

4                   Q.     Okay. Did you go to any meetings  
5     after the May 27th meeting?

6                   A.     No, not that I can remember at the --

7                   Q.     As of May 27th, I think it's safe to  
8     say you had decided not to join ZF Batavia?

9                   A.     No, that's not necessarily true, no.

10                  Q.     Well, had you made up your mind?

11                  A.     There was still questions. You had  
12     to --

13                  Q.     Okay. What questions did you still  
14     have?

15                  A.     I wanted to see it in write -- they  
16     gave us a written document. They were going to --  
17     okay. In '93, I graduated from Purdue. I've had a  
18     lot of jobs. I went to Chrysler, looked at their  
19     scenario. Went to Ford Motor Company, looked at  
20     theirs. Went to a Japanese firm. You decided you  
21     want to go -- Ford was rated very high in '93.  
22     Their quality was excellent.

23                  You need this as a very -- I don't  
24     have 30 years there. This is a very big deal. You

1 know, when you start out, this is joint venture.  
2 When I got the documentations to make my full  
3 analogy in discussion with my -- with Hassan Saleh,  
4 who was my boss and a personal friend at that time,  
5 you can make your decisions.

6 You don't go in, walk in, and say,  
7 this, you're going to do that and this, you're  
8 going to do this. No, I hadn't made up my mind  
9 when I walked out of this meeting.

10 Q. Okay. And I think you said you still  
11 had questions?

12 A. Yes.

13 Q. Okay. What were the open issues for  
14 you?

15 A. What were the open issues?

16 Q. And I'm talking just right after the  
17 May 27th meeting.

18 A. There was -- you know, there was just  
19 a lot of questions in your mind, what -- period. I  
20 mean, you just had a lot of questions. You just  
21 don't decide. I can't tell you exactly what was in  
22 my mind at that -- when I walked out. It was still  
23 a complete shock that we were going into a joint  
24 venture. They talked about the CVT. There was a

1       lot of things you talk about. You can't just say,  
2       well, what -- at that time.

3           Q.     Well, were you concerned, for example,  
4       about what your salary was going to be?

5           A.     No. They stated that my salary was  
6       going to stay the same.

7           Q.     Okay.

8           A.     They weren't going to mess with my  
9       salary.

10          Q.     Did they say that Pam Blanco's salary  
11       would be the same or --

12          A.     That -- I'm talking about -- I'm  
13       talking about me. I'm talking about the whole  
14       Ford --

15          Q.     Okay.

16          A.     -- transition. When I talk about me,  
17       this is what I understood. They're not going to  
18       single me out even though I'm a woman. I mean,  
19       they're not going to say, Pam, you're going to do  
20       this.

21          Q.     Right.

22          A.     They said Ford transition people, they  
23       would not mess with their salary, they would not  
24       mess with their overtime. We would have benefits.

1 They had the benefits person there.

2 You know, your vacation. I'm not

3 going to get, what, five weeks? I know that. I

4 mean, they said -- we talked about our vacation.

5 They talked about personal time, how many days we

6 get.

7 I mean, there was a basic format.

8 There's still -- you have to examine the whole

9 scenario of what you're going to.

10 Q. Okay.

11 A. You can't make a decision the minute  
12 you go in if it's good or bad. And I had no -- it  
13 was going to be like Ford.

14 Q. So if you knew it was going to be like  
15 Ford, then you knew what the entire compensation  
16 package was going to be because you worked at Ford  
17 for six-plus years?

18 A. That's correct.

19 Q. So I'm just trying to understand. If  
20 it was going to be the same as you're telling me,  
21 then what was left to question?

22 MR. SIMON: Objection, asked and  
23 answered. You can answer.

24 A. Well, when you have Jacques Nasser say

1       that you can stay as a Ford Motor Company personnel  
2       and then he retracts it, that -- I mean, he's  
3       like -- he was like God up there and then you  
4       retract it? I had a -- I was upset about that. I  
5       mean, not that I didn't care. It don't matter what  
6       shirt I put on, I'm going to do my job.

7           Q.     You've made reference to Hassan Saleh  
8       and I think you've made a comment about a  
9       discussion that you may have had with Hassan?

10          A.     Yes.

11          Q.     Did you have discussions with Hassan  
12       regarding your transitioning?

13          A.     Yes.

14          Q.     Okay. Were those discussions after  
15       the May 27th meeting?

16          A.     Like I said previously, everyone,  
17       salary and hourly, were discussing this joint  
18       venture.

19          Q.     Okay. So the discussions with Hassan  
20       were no different than the discussion you had  
21       with --

22          A.     That's not true. I didn't say that,  
23       either. I didn't know if after the 20th or the  
24       27th -- he said after. I said when they announced

1       the joint venture, everyone talked. So I did  
2       discuss with Hassan. I did discuss after. You  
3       said for.

4           Q.     All right. Well, did the -- you had  
5       discussions with Hassan before the 27th, correct?

6           A.     That's correct.

7           Q.     And you had discussions with Hassan  
8       after the 27th?

9           A.     That's correct.

10          Q.     And you had discussions with other  
11       co-workers both before and after?

12          A.     That's correct.

13          Q.     Is there some difference between the  
14       discussions, then, with Hassan, who's a co-worker,  
15       and the other co-workers?

16          A.     Yes.

17          Q.     What would that difference be?

18          A.     For one thing, he was my -- the boss.

19          Q.     Okay.

20          A.     He was a personal friend at that time.  
21       We discussed it a lot.

22          Q.     Are you telling me that the  
23       discussions with Hassan had an impact on whether or  
24       not to join the joint venture?

1           A.     Yes.

2           Q.     Okay. Did the discussions with the  
3     other co-workers that you had have an impact on  
4     your decision to join the joint venture?

5           A.     No.

6           Q.     Then why have discussions with him?

7           A.     With --

8           Q.     The -- with the other co-workers.

9           A.     You know how you just discuss this --  
10     you know, I mean, you just discuss it. I had my  
11     own mind -- Hassan, he was -- like I said, we just  
12     discussed it.

13          Q.     Okay. Well, let's talk about those  
14     discussions.

15          A.     Okay.

16          Q.     Let's right now focus on after the  
17     27th. Do you remember how soon after the 27th you  
18     had one of these discussions with Hassan?

19          A.     Like I said, we were personal friends,  
20     too, so we had discussions.

21          Q.     Do you remember any specifics from  
22     those discussions as they relate to the joint  
23     venture? I'm not into your personal matters, but  
24     as they related to the joint venture.

1           A.     I asked him specifically, are you sure  
2     they are not going to take away our -- mess with  
3     our overtime, nor our salary?

4           Q.     Okay.

5           A.     And I was concerned that the CVT still  
6     has major glitches in it. And everyone knew that  
7     CD4E was going to go -- be gone.

8           Q.     And, in fact, the Batavia facility did  
9     not have a replacement product scheduled?

10          A.     That's correct.

11          Q.     And I think CD4E was at that time  
12     scheduled out at 2004?

13          A.     Pretty close. I can't remember the  
14     exact date, but I looked at all the technical  
15     aspects of CVT. We talked in -- we talked about  
16     that. Like I said, I've only been here in '93. I  
17     don't have 20-some years to see different programs  
18     and the problems you encounter. So it was a lot of  
19     technical things, too.

20          Q.     And when you asked Mr. Saleh about the  
21     salary and overtime, what did he tell you?

22          A.     He said they would not mess with it.  
23     Mike Warden said -- told him personally that they  
24     would not mess with our overtime, our salary.

1                   Q.     And when you say "mess with it," what  
2     does that mean?

3                   A.     Take it away, change it. He said, Do  
4     you think I would join if I felt they were going to  
5     do -- to renege on their promises?

6                   Q.     Well, if the company had already told  
7     you at this May 27th meeting that your salary  
8     wasn't going to change or it would be the same, I  
9     think, as you said it was at Ford, why would you  
10   ask Mr. Saleh the same question?

11                  A.     Because I respected him. When you  
12   find out that these were ZF -- Ford people -- Ford,  
13   you just -- you trusted. Ford you trusted. I  
14   didn't know those people from a load of hay.

15                  Q.     You told me you trusted Ford, but five  
16   minutes ago, you told me you didn't believe the  
17   very first thing that you heard from Nasser about  
18   this.

19                  A.     But the people you work with, you  
20   believe them.

21                  Q.     So it's not the Ford people?

22                  A.     Yes, it is.

23                  Q.     Well --

24                  A.     At Ford -- there was only Ford there.

1       What are you -- how can you say there's ZF people?

2       I trust at work, would do a job. We're talking  
3       Ford. We were Ford.

4           Q.     All right. There were Ford presenters  
5       at the May 27th meeting, correct?

6           A.     Correct.

7           Q.     Did you trust those people that  
8       presented at that meeting?

9           A.     I didn't know them. I never worked  
10      with them.

11          Q.     All right. So you didn't trust them?

12          A.     I don't want to use the word "trust."  
13        I mean, they were just trying to sell a product. I  
14        don't know if you'd say trust, not trust. At our  
15        plant, you -- it's a family. When you work seven  
16        days a work week, 12 hours a day, it's a family.  
17       And your co-workers, we just worked together.

18          Q.     Based upon your discussions with  
19        Mr. Saleh, is that when you decided to join the  
20       joint venture?

21          A.     Yes.

22          Q.     All right. But at some point in time,  
23       you declined an offer from the joint venture,  
24       didn't you?

1           A.     That's correct.

2           Q.     Why did you decline the offer?

3           A.     That -- just what I stated. And then  
4     it was after I declined, then when I talked to  
5     Hassan, he said what -- he kept -- what are you  
6     doing? This is a perfect opportunity.

7           Q.     And you declined the offer, I guess  
8     from what you're telling me, that you simply didn't  
9     believe what had been told to you?

10          A.     Well, wait a minute. When you have a  
11     product that they don't have designed yet, that is  
12     a very -- concern. What are they going to do with  
13     all -- quote, "all of us" there when they didn't  
14     have a design complete?

15                 And like he -- and like Mr. -- Hassan  
16     said, you're always going to have glitches. I had  
17     lack of knowledge in programs that were going to be  
18     launched. That's what I would -- had discussed  
19     about that.

20          Q.     I guess -- but, again, what I think I  
21     asked you was, at the time that you declined the  
22     offer -- first offer from ZF Batavia --

23          A.     Right.

24          Q.     -- is it because you simply didn't

1 believe what you had been told as of that date?

2 A. Like I said, what I was declined is  
3 because we did not have another program. What were  
4 they going to do with all the people if CVT didn't  
5 start? I was concerned with the technical aspects  
6 and the job availability at ZF.

7 Q. So that --

8 A. And there was other questions, sure.

9 You just -- it's a change. You want to make sure.

10 Q. You want to make sure of --

11 A. For your own -- whatever your -- if  
12 they're going to say we're going to be like Ford,  
13 you're going to believe it. You get this. I have  
14 like two of them at home. You look at it, you read  
15 it. This is what they said they're going to give  
16 us. It's on paper and so I signed it.

17 Q. Okay. Well, let's talk about it for a  
18 second. You made a reference to "this." And  
19 "this" would be the gray brochure, Exhibit Number  
20 2, correct?

21 A. Yeah, I guess. I don't know. Okay  
22 two, yes.

23 Q. Okay. And what you've told me is  
24 that -- you know, that was in writing and you

1 believed it?

2 A. Yes.

3 Q. And you obtained the gray brochure  
4 when you received your first offer letter, didn't  
5 you?

6 A. Yes.

7 Q. And you rejected the first offer  
8 letter, didn't you?

9 A. Yes.

10 Q. And so I still come back to, if you  
11 believed that, okay, then why did you reject the  
12 first offer letter?

13 A. Let me see. They do not state in  
14 there CVT is going to run. We are going to sell  
15 millions of transmissions. That is not located in  
16 this.

17 Q. Okay.

18 A. That is a technical -- again, a  
19 technical aspect of not knowing about launching a,  
20 quote, "new program." That was very concerning to  
21 me, that they did not have a design that was  
22 approved.

23 And as you know now, we still don't  
24 have -- we still are doing a lot of changes. And

1       the 26th been put on hold for a couple of years.

2       But that was -- that was very, very important to  
3       me.

4           Q.     Then why not go back to the company,  
5       to Dave or Karl or somebody else that presented on  
6       May 27th and say, Hey, guys, you know, I got a bad  
7       feeling about CVT and design issues?

8           A.     Why would -- why would you go to --  
9       okay. At Ford, he is my boss. You didn't go and  
10      jump up and go see a plant manager. There was -- I  
11      don't call the President of the United States when  
12      I say there's something I want to say. There's  
13      steps you take. And I respected Hassan's opinion  
14      and knowledge that he had being a Ford employee for  
15      years.

16           Q.     But he clearly wasn't a ZF employee  
17      for years, was he?

18           A.     No.

19           Q.     And you were moving to ZF?

20           A.     But Ford had 49 percent invested in  
21      it.

22           Q.     All right. I think we've kind of beat  
23      that issue to death. Let's talk a little bit more  
24      about -- what is it, then, that finally caused you

1 to accept employment with ZF?

2 A. It was a good opportunity. We're  
3 going to be on the ground floor. And I was looking  
4 for new knowledge, new technology.

5 Q. Ms. Blanco, you've been handed  
6 document numbered Exhibit 129. If you could, take  
7 a moment to review that for me. Have you had a  
8 chance to review Exhibit 129?

9 A. Yes.

10 Q. Have you -- have you seen that  
11 document before?

12 A. Yes.

13 Q. In fact, that's -- well, that's the  
14 offer that you both declined and accepted, I  
15 believe?

16 A. Yes, sir.

17 Q. Okay. Is that your signature down  
18 there at the very bottom left and at the top left?

19 A. Yes.

20 Q. All right. And I think we discussed  
21 before that at the time you were given this offer,  
22 you also received Exhibit Number 2?

23 A. Yes.

24 Q. At the time -- about June 21st of

1       1999, did you receive a second copy of this  
2       offer -- or I'm sorry. -- of Exhibit 2?

3           A.       Now, what now?

4           Q.       Well, you made a comment before that  
5       you had a couple copies of Exhibit 2.

6           A.       Yes.

7           Q.       Were you given that document, Exhibit  
8       2, a second time that you received the offer?

9           A.       Yes.

10          Q.       Okay. Did you read the entire Exhibit  
11       2?

12          A.       I read the entire Exhibit 2.

13          Q.       All right. Did you read the entire  
14       Exhibit 2 prior to signing the acceptance of  
15       Exhibit 129?

16          A.       Yes, sir.

17          Q.       At the time that you read all of  
18       Exhibit 2, did you have any questions or concerns  
19       about any of the language in Exhibit 2?

20          A.       No, sir.

21          Q.       Did you feel that Exhibit 2 was  
22       consistent with your understanding from the May  
23       27th meeting?

24          A.       Yes, sir, there was, yeah.

1                   Q.     You would agree with me that in  
2     Exhibit 2, that nowhere in there does it say that  
3     your terms or conditions of employment would be the  
4     same as they were at Ford --

5                   MR. SIMON: Objection.

6                   Q.     -- does it?

7                   MR. SIMON: Objection. The document  
8     speaks for itself. You can answer.

9                   A.     It doesn't state anywhere that we  
10    would have an annual incentive plan, the AIP -- you  
11    know, everything. That we would have accident  
12    insurance.

13                  MR. SIMON: His question was -- did  
14    you hear his question?

15                  THE WITNESS: If I --

16                  MR. VANWAY: Can you read it back so  
17    the question is clear?

18                  (The following question was read into  
19    the record by the Reporter:

20                  Q.     You would agree with me that in  
21     Exhibit 2, that no where in there does it say that  
22     your terms or conditions of employment would be the  
23     same as they were at Ford?)

24                  A.     Our salary, I would agree. Now, go

1 into that more in detail, please. What are you  
2 really --

3 MR. SIMON: He'll ask you questions.

4 You'll get a chance to answer, Pam.

5 THE WITNESS: What are you --

6 MR. SIMON: He's very thorough. He'll  
7 get to all the questions.

8 THE WITNESS: What are really asking  
9 me?

10 BY MR. HUNTER:

11 Q. Okay. Well, I just want to understand  
12 what you understood at the time you signed your  
13 offer.

14 A. Okay.

15 Q. You would agree with me on page 2  
16 where it talks about salary, that all it says is  
17 your base salary, starting at your current Ford  
18 salary, correct?

19 A. Where are you?

Q. I'm sorry. Upper left-hand corner.

21 MR. SIMON: I didn't hear where you  
22 were at. Second page?

23 MR. HUNTER: I'm sorry. Yes, second  
24 page --

1                   A.     That's correct.

2                   MR. HUNTER: -- upper left hand.

3                   Q.     All right. It also -- all it says  
4     about overtime is that authorized overtime will be  
5     paid, correct?

6                   A.     Right.

7                   MR. SIMON: Objection. Document  
8     speaks for itself.

9                   Q.     That statement that authorized  
10    overtime will be paid, is that consistent with your  
11    understanding from the May 27th meeting?

12                  A.     Yes.

13                  Q.     Okay.

14                  A.     That's how Ford is. Okay. Go on.

15                  Q.     Well, let's talk about that. When you  
16    say that you thought it was going to be the same as  
17    it was at Ford, are -- I think what you're telling  
18    me is that as of 1999 when you hired on, it would  
19    be the same as it was there in 1999 when you hired  
20    on to Ford?

21                  A.     Now say what? I hired in in '93.

22                  Q.     When you hired on with ZF Batavia --

23                  A.     Okay.

24                  Q.     -- in 1999 --

1           A.     Okay.

2           Q.     Let me ask you it again. At the time  
3     in 1999 that you joined the joint venture, was it  
4     your understanding that overtime would be paid as  
5     it was then paid in 1999?

6           A.     Yes.

7           Q.     Did you have any understanding  
8     whatsoever as to what the future was to hold with  
9     respect to overtime?

10          A.     Sir, this says in here overtime, we  
11     would get it.

12          Q.     Okay. Does it say how much overtime?

13          A.     Authorized overtime will be paid.

14          Q.     Does it say how much overtime?

15                MR. SIMON: Objection. The document  
16     speaks for itself.

17          A.     It says, again, authorized overtime  
18     will be paid.

19          Q.     Okay.

20          A.     They stated it would be like how we  
21     get overtime at Ford Motor Company.

22          Q.     As of 1999?

23          A.     That's correct.

24          Q.     Not into the future?

1           A.     But they didn't put that in. I don't  
2 see that in there, as in the future, things could  
3 change. I took this --

4           Q.     Okay.

5           A.     -- as a living document.

6           Q.     And what does that mean?

7           A.     This is "our contract," quote, I guess  
8 you want to say. This is what we got when we  
9 joined the joint venture.

10          Q.     Okay. At that point in time?

11          A.     But it didn't state on there.

12          Q.     Okay. So what did you understand  
13 would happen, for example, in 2003 with respect to  
14 overtime?

15          A.     Authorized overtime will be paid the  
16 same as when I signed over.

17          Q.     Okay. So you would get the same  
18 hourly rate as you got in 1999?

19          A.     Same hourly -- for overtime?

20          Q.     Mm-hmm.

21          A.     If -- so be it. They did increase it  
22 as you know, yes.

23          Q.     But it could have stayed the same as  
24 it was in 1999?

1           A.     It could.

2           Q.     Would it have -- with whatever Ford  
3     did with overtime have any bearing on what you were  
4     to be paid?

5           A.     Now what are you talking about, Ford  
6     overtime?

7           Q.     Well, you said it was going to be the  
8     same as it was at Ford, okay?

9           A.     Okay.

10          Q.     I'm trying to understand, was it going  
11        to be the same as it was at Ford in 1999 or in 2003  
12        or 2010?

13          A.     In '99.

14          Q.     All right.

15          A.     Sir, we are in -- I work for ZF.

16          Q.     All right. So that ZF could today pay  
17     you the same overtime rate as it paid you in 1999?

18          A.     That's correct.

19          Q.     All right. Can ZF ever pay you  
20     anything less than that?

21          A.     No.

22          Q.     What if --

23          A.     Authorized overtime will be paid.

24          Q.     Okay. But it doesn't say at what

1       rate. I'm going to the rate, Ms. Blanco.

2           A.     Okay.

3           Q.     What rate? There's no representation  
4     in there as to rate, is there?

5                   MR. SIMON: Objection. Document  
6     speaks for itself.

7           A.     No, there's no rate.

8           Q.     With respect to litigation that you  
9     have brought here, I understand there are a number  
10    of issues that Ford transitionals -- I believe that  
11    ZF did not follow through on. Can you kind of give  
12    me a laundry list of what those might be?

13          A.     Well, overtime.

14          Q.     Okay.

15          A.     Bereavement, they changed that.

16          Q.     Okay.

17          A.     The personal days, AIP.

18          Q.     Anything else?

19          A.     See, AIP -- we had overtime. That was  
20    a personal day. The bereavement, I didn't -- that  
21    hasn't affected me at the present.

22          Q.     Okay. And if you think of something  
23    else, just let me know. What was your  
24    understanding with respect to personal days?

1           A.     You would be given five.

2           Q.     How many personal days did you have at  
3     Ford just prior to the transition?

4           A.     Sir, I have no idea.

5           Q.     Do you know if five was the same,  
6     then, as what you had at Ford?

7           A.     Again, I have -- I have no idea. I  
8     didn't -- I didn't take a personal day, so that  
9     they -- unless you were sick or -- you know, I had  
10    knee surgery. I -- I don't have a clue.

11          Q.     Okay.

12          A.     That never was a issue. So, I mean,  
13    but if you were sick, you got paid.

14          Q.     Okay. AIP, what are the issues with  
15    respect to AIP?

16          A.     We were to get AIP. It did not state  
17    in there that we were going to have a different  
18    percentage than the ZF people.

19          Q.     It doesn't state in there that you  
20    would have the same percentage, does it?

21                MR. SIMON: Objection.

22          A.     They said it would be like Ford.

23          Q.     Ford doesn't have AIP, does it?

24          A.     They have profit sharing.

1 Q. Okay.

2 A. Just because you have blue eyes  
3 doesn't mean you treat that other person  
4 differently.

5 Q. You would agree with me that document  
6 number two makes no reference with respect to --  
7 that the AIP would be like it was at Ford, in terms  
8 of the profit sharing?

9 A. Do you want to repeat that again? I'm  
10 sorry.

11 Q. Sure. You see the language on Exhibit  
12 2 that says, Annual incentive plan?

13 A. Mm-hmm.

14 Q. And nowhere in the language regarding  
15 annual incentive plan does it say it would be like  
16 it was at Ford, does it?

17 A. No, that's correct.

18 Q. And, in fact, if you take a look at  
19 the bottom right-hand side of page 2, do you see  
20 the two black lines?

21 A. Two black -- yes.

22 Q. Okay. And see down, oh,  
23 second-to-the-last sentence, it says specifically  
24 that the plans described here are subject to

1 change, doesn't it?

2 A. That's plan, that yeah --

3 Q. Okay. And the annual incentive plan  
4 would then be subject to change, wouldn't it?

5 MR. SIMON: Objection. Document  
6 speaks for itself.

7 A. We have a dental plan. When you talk  
8 about plans, you're talking about their dental,  
9 also the 401K can have some kind of change and --  
10 changes. But it's this type of thing, the plan,  
11 that's when -- those are just actual -- that  
12 doesn't -- that doesn't -- the plan is the benefits  
13 from the dental and the medical and things that can  
14 change like that and the 401K, period. That's what  
15 a plan is, my dental, medical.

16 Q. So an annual incentive plan isn't a  
17 plan?

18 A. That's a reward.

19 MR. SIMON: Objection.

20 A. That's a reward program.

21 Q. So is salary a plan?

22 A. No.

23 Q. Okay.

24 A. Again, the dental, medical.

1           Q.     Are holidays a plan? Ms. Blanco, I'm  
2     not trying to be difficult. I'm just trying to  
3     understand the distinction here.

4           A.     No.

5           Q.     Paid leaves?

6           A.     No.

7           Q.     Beneath the language that says, Plans  
8     here -- Plans described here are subject to change,  
9     it also says that plan provisions and eligibility  
10    do not constitute an employment contract with any  
11    individual, correct?

12          A.     That's correct.

13          Q.     You used the term that you looked at  
14    this as a contract, in terms of Exhibit 2, correct?

15          A.     Yes.

16          Q.     And you understand that in the face of  
17    the document, it says that it's not an employment  
18    contract, correct?

19          A.     Correct.

20          Q.     How do you reconcile that?

21          A.     But it is a contract when I do my job.

22          Q.     Okay.

23          A.     This is what it is. This is what they  
24    guaranteed.

1                   Q.     Well, did anybody ever say this is  
2     guaranteed?

3                   A.     Yes, sir.

4                   Q.     All right. Who said that?

5                   A.     The -- it's written.

6                   Q.     Show me anywhere on Exhibit 2 that it  
7     says this is guaranteed.

8                   MR. SIMON: Objection. Document  
9     speaks for itself.

10                  Q.     Can you show me that on Exhibit 2?

11                  MR. SIMON: Objection.

12                  A.     It's written. It's a -- it's written.

13                  Q.     Okay. Can you show me anywhere on  
14     Exhibit 129 where it says it was guaranteed?

15                  A.     When you do your job, it's guaranteed.

16                  Q.     And I think you would -- you've  
17     indicated that your guarantee language didn't  
18     come -- there's no one you can attribute the true  
19     guarantee to that you spoke with regarding your  
20     transition to ZF Batavia?

21                  I said that very, very poorly. Nobody  
22     ever told you verbally, Pam, this is guaranteed, in  
23     terms of Exhibit 2?

24                  A.     I don't know if you'd use the word

1        "guarantee." They weren't going to -- like I  
2        stated before, Hassan Saleh, we discussed that at  
3        the beginning. He stated they were -- every --  
4        things were going to be the same. They weren't  
5        going to mess with our overtime.

6                  Why would people join a joint venture  
7        when you have the opportunity to go back to Ford,  
8        if they were going to come in and change the  
9        overtime policy? I'm talking about currently, all  
10      right? Why would you even make that decision?

11                Q.       All right.

12                A.       When they have it written, this is  
13        what you're going to get.

14                Q.       And you thought that's what you were  
15        going to get forever?

16                A.       Yes, sir.

17                Q.       Let's talk about the issues with  
18        overtime. What are your -- what do you believe was  
19        represented to you that ZF Batavia has not followed  
20        through on with respect to overtime?

21                A.       Well, you have to give an hour casual  
22        time.

23                Q.       Okay.

24                A.       And like they have hour increments,

1 you know.

2 Q. Okay. Anything else with respect to  
3 overtime?

4 A. Not at this time. I can't think of  
5 anything.

6 Q. If you do, just --

7 A. I will.

8 Q. -- let me know. Did Ford have a  
9 concept or notion, whatever you want to call it, of  
10 casual overtime or casual time?

11 A. It was never stated when I hired in at  
12 '93. No one said anything about overtime, casual.  
13 Said try to get there a half an hour before, which  
14 I did because it makes life easier when you start  
15 your line.

16 Q. Okay. Is that the hand-off concept, I  
17 think is what I've heard, in terms of transitioning  
18 between shift and shift?

19 A. Well, I guess, but if you don't work  
20 12 hours, you don't have that. But if you work  
21 12 hours when -- two hours at Ford, you did not put  
22 any casual time in whatsoever.

23 Q. I have had others tell me that there  
24 was this concept 15 to 30 minutes at the beginning

1       of the shift, 15 to 30 minutes at the end of the  
2       shift, in terms of casual time. And, again, it was  
3       to ease the transition in and out of that shift?

4           A.     That was not a law or you had to get  
5       that.

6           Q.     In your --

7           A.     Pardon me?

8           Q.     In your experience at Ford, did you  
9       ever work under that working pattern?

10          A.     Oh, I came in -- you know, early if  
11       you needed to stay. But if you were there, you got  
12       paid.

13          Q.     For every minute that you were there?

14          A.     Oh, no, not every minute. I mean, you  
15       didn't put down -- you didn't put down 4:02 or two  
16       or three. You know, I mean --

17          Q.     Okay.

18          A.     -- you didn't do that.

19          Q.     Okay. With respect to your time,  
20       salaried time statements that you fill out for  
21       Batavia, what time does that reflect, in terms of a  
22       start time? Is that the moment that you walk  
23       through the door at the plant or is that sometime  
24       after that or how do you report for your salaried

1 time statements now?

2 A. Well, I don't put it -- I just come in  
3 at seven. You know, if I come in at 10 till seven,  
4 I put seven.

5 Q. Okay.

6 A. Now, if I work overtime, I still kind  
7 of just -- I come in at five, quarter after five, I  
8 put 5:30 or -- I don't know. You can -- I'm sure  
9 you have them. I don't think I put them --

10 Q. Okay. I'm just trying to understand  
11 if there's any casual time reflected in your salary  
12 time statements?

13 A. No, I never -- well, if I work  
14 overtime I show it, yes, sir.

15 Q. Okay. Is there any deduction on your  
16 salary time statements for lunch?

17 A. Yes.

18 Q. So I'll show like a start time, sort  
19 of a stop time before lunch and a start time after  
20 lunch?

21 A. No, no. You just start time, finish  
22 time, subtract lunchtime or --

23 Q. Okay. There's a column, as I recall,  
24 for compensable overtime. And so do you kind of,

1       in a sense in your head, make the deduction, in  
2       terms of not claiming that time on your overtime  
3       schedule?

4           A.     I try to do that, yes. And somebody  
5       else might -- supervisors -- you know, you do make  
6       mistakes, so --

7           Q.     Okay. And I'm not concerned about  
8       mistakes. I'm just trying to, again, understand if  
9       I looked at Pam Blanco's timecard, what would that  
10      tell me about your workday?

11          A.     I try to subtract -- I do subtract, as  
12       far as I know. I'm not -- like I said, I could  
13       have made an error, but I try to subtract the hour  
14       or hour and a half, hour and 45 minutes.

15          Q.     Okay. What time do you normally  
16       start? I think you told me. I apologize. I just  
17       don't remember what you said.

18          A.     It just varies.

19          Q.     Give me an approximate.

20          A.     Quarter till -- sometimes -- quarter  
21       till seven. Sometimes I'll come in at 6:30.  
22       Sometimes -- I mean, if you look -- I don't know.  
23       I don't write down. I -- I start at seven, even  
24       though I'm there, I start. It doesn't matter.

1 I'll start printing the DROTS.

2 Q. Okay.

3 A. I don't put down 6:42 or 5:32 or  
4 what -- I don't -- I don't know. I mean, I come in  
5 there before time starts and I'll stay sometimes  
6 till 4:00. Sometimes I won't. You know, depends.

7 Q. Okay. Well, if your shift -- it  
8 sounds like the schedule normally begins at seven?

9 A. I have people come in early. They'll  
10 start at 3:00, but I start at seven to 3:30, eight  
11 hours, the majority of the time --

12 Q. Okay.

13 A. -- unless I'm prescheduled.

14 Q. All right. And so if you were  
15 scheduled for seven to 3:30 and that was reflected  
16 on your time statement, that -- under the current  
17 situation at Batavia, you would not be entitled to  
18 overtime pay, correct?

19 A. Well, if I work seven to 3:30, I  
20 would -- I got eight hours, you wouldn't be able  
21 to.

22 Q. Just -- I'm trying to draw a common  
23 understanding here. I think you'll see where I'm  
24 going here in a minute.

1                   Now, if you worked seven to 4:30 under  
2       the current scheme at Batavia, would you be paid  
3       any overtime?

4                   A.     No.

5                   Q.     All right. Do you believe that if you  
6       worked at Ford and put a seven to 4:30 time  
7       statement in, that you would be paid anything?

8                   A.     Yeah.

9                   Q.     Okay. How much would you be paid?

10                  A.     An hour.

11                  Q.     An hour of overtime?

12                  A.     (Witness nodded.)

13                  Q.     All right. And then there was a point  
14       in time where ZF Batavia made the announcement  
15       about the one hour of overtime. I'm sorry, casual  
16       time.

17                  A.     Yes.

18                  Q.     Okay. Prior to that announcement,  
19       were you paid for that one hour we've been talking  
20       about?

21                  A.     Probably sometimes -- you know, if you  
22       work through lunch, I didn't put that down. If I  
23       came in at a quarter till, if it was a 45-minute  
24       span, you didn't put it on -- I mean, you didn't

1 put it on.

2 Q. Okay. All right. Any other issues  
3 with respect to overtime?

4 A. I can't think of anything right now.

5 Q. Can't think of any right now?

6 A. (Witness nodded.)

7 MR. HUNTER: Will you mark that,  
8 please? Steve, I did not pull extra copies. These  
9 are Ms. Blanco's answers to interrogatories, which  
10 I think you have.

11 Q. Ms. Blanco, if you could take a minute  
12 to look through 130, document 130, I would  
13 appreciate that.

14 A. Okay.

15 Q. Okay. You've had a chance to review  
16 document number 130?

17 A. Mm-hmm.

18 Q. And I believe those are your answers  
19 and objections to the interrogatories of Ford Motor  
20 Company?

21 A. Yes.

22 Q. And with respect to those answers, is  
23 the information contained within Exhibit 130  
24 information that you supplied to your attorney?

1           A.     Yes, sir.

2           Q.     And as we sit here today, to the best  
3       of your information and belief, is the information  
4       contained in Exhibit 130 true and accurate?

5           A.     Yes, sir.

6           Q.     Are there any changes that you feel  
7       need to be made to that document at this point in  
8       time?

9           A.     They're just talking about the  
10      overtime, correct?

11          Q.     No, ma'am. I'm talking with respect  
12      to the entire document, is it true and accurate as  
13      we sit here today?

14          A.     Yes, as far as I know.

15          Q.     Okay. And in that document, I see  
16      that it's indicated that there's a loss that you  
17      have attributed to ZF in the amount of \$6,130?

18          A.     Mm-hmm, yes, sir.

19          Q.     Can you tell me what that number  
20      represents?

21          A.     That's some casual time that would  
22      have been -- it's not -- like I said, it's not ring  
23      to ring. It's --

24          Q.     Is it that one hour we've been talking

1       about?

2           A.     Yes, sir.

3           Q.     Okay. Is there any -- aside from the  
4       one hour, is there any scheduled or authorized  
5       overtime that you have worked for which you have  
6       not been paid?

7           A.     Besides that?

8           Q.     Besides the one hour.

9           A.     Not that I can think of at this time.

10          Q.     Okay. I've heard about some employees  
11       in -- I believe it was maintenance and materials  
12       control that may have worked some shifts, that they  
13       weren't paid for those shifts. That apparently  
14       does not apply to you?

15          A.     No, sir.

16          Q.     Okay. You had mentioned before that  
17       you felt that ZF Batavia would be entitled to pay  
18       you the 1999 rates for overtime.

19          A.     If -- that they deemed fit, I mean. I  
20       did not -- I'm going to be honest here. They told  
21       me overtime. What if they -- with cost of  
22       living -- I'll tell you one thing. I'm going to  
23       throw this out. One thing with Ford when you  
24       supervise people, whether you were hourly, salary,

1       you made more than the person below you. That's  
2       just business, business.

3                 But overtime, like I said, I'm not  
4       going to be disgruntled, like if Ford raised this  
5       or they -- this is our contract that I feel that we  
6       got.

7                 Q.       I guess I'm trying to understand  
8       whether or not it's your testimony that that rate  
9       was supposed to change when Ford's changed?

10               A.       I think I stated I didn't -- it was  
11      not written that it had to -- they had to follow  
12      Ford, no, sir. I mean, no.

13               Q.       Can you take a look on page 6 of  
14      Exhibit Number 130?

15               A.       Six, 130.

16               MR. SIMON: That's the one he's got.

17               THE WITNESS: Okay.

18               Q.       And in the third paragraph, which is  
19      indented --

20               A.       Right here.

21               Q.       Okay. Your answer that you've given  
22      to Ford was that your loss of 6,130 does not  
23      include the loss of any pay attributable to ZF --

24               A.       Right.

1           Q.     -- Batavia's failure to pay overtime  
2        rates to salaried employees consistent with Ford's  
3        rates as such rates have increased, contrary to the  
4        promises made to the plaintiffs in 1999.  Do you  
5        see that statement?

6           A.     I do.

7           Q.     Is that --

8           A.     I read that.

9           Q.     -- statement inaccurate?

10          A.     Okay.  They said we were going to be  
11        like Ford Motor Company.  I know I work for ZF.  
12        Ford is 49 percent; ZF is 51 percent.  If you want  
13        to be -- you know, if you hear what people verbally  
14        said and you believe and you're supposed to take  
15        people's words, people go to court -- like, you  
16        know, when they have a oral -- well, what do you  
17        call it?  I just felt that we were like Ford.

18        That's what they said.

19          Q.     All right.  Personal days, you'd  
20        mentioned you were given five --

21          A.     Took two back.

22          Q.     -- at Ford?

23                   MR. SIMON:  Are you done with this?

24                   MR. HUNTER:  Yes.

1           Q.     Did you have a need for the five --  
2     for five personal days after the policy had been  
3     changed to two?

4           A.     Yes, sir.

5           Q.     Okay. So in addition to the \$6,130  
6     you're claiming for overtime, we would need to add  
7     two days' pay to your damage claim?

8           A.     Yes, sir.

9           Q.     Okay. What about the bereavement  
10    days, I don't -- I think you told me that had no  
11    affect on you?

12          A.     No, sir.

13          Q.     AIP, is there a loss that you can  
14    identify for me with respect to AIP?

15          A.     There is a loss.

16          Q.     But you -- can you -- dollar amount,  
17    percentage amount? I don't know, something.

18          A.     I can't at this present time.

19          Q.     Okay. As we've discussed these  
20    issues, is there anything else that you feel ZF  
21    Batavia has failed to follow through on with  
22    respect to the representations that you believe  
23    were made to you at the time of the transition?

24          A.     I -- I think I'd like to talk to Steve

1 for a minute, take a break for a minute.

2 MR. SIMON: He's got a question.

3 Unless there's a pending question, you can answer.

4 If you don't, just testify to what you -- answer  
5 the question.

6 A. Okay. There's other issues because I  
7 can't give you a definite for the AIP, there's  
8 other issues that I feel that have been unresolved.

9 Q. Okay. Well, what would those be?

10 A. Okay. Back in, what, 2000, I was  
11 offered a manager's job. No one stated that it was  
12 a temporary position. I did my job. I never got  
13 promoted. Never got a raise or never got any of  
14 the salary increases for the manager position.

15 Again, let me state, I did my job. I don't know if  
16 it --

17 Q. Okay. You confused me. You said it  
18 was temporary or --

19 A. I said they never stated it was  
20 temporary, nothing. It was here -- you know, we  
21 want you to be -- this position is available. Go  
22 down there and be a manager.

23 Q. And what position did you move to?

24 A. Let's see. It was -- they call them

1 the BOMs. I mean, it's all that --

2 Q. The business operations manager?

3 A. Yes, whatever. Back then it was --

4 Ford, it's a superintendent.

5 Q. All right.

6 A. They've changed them.

7 Q. All right. So you moved up to a BOM  
8 position, but apparently that was temporary?

9 A. Nobody stated it was temporary.

10 That's what I'm saying. No one stated it was  
11 temporary. I'm just throwing that out, stating,  
12 Pam Blanco, you're going to do this for 90 days  
13 because (A) you're a woman and you can do it or  
14 you're a transition, you can do it. I mean, it was  
15 here. Would you like to do that? Yes, I would do  
16 that, thinking -- never mind.

17 Q. Just trying to understand, Ms. Blanco.

18 It turned out to be temporary and you thought --

19 A. No.

20 Q. -- it was permanent?

21 A. It -- well, no, no, no. I'm just  
22 state -- let me say it again. When Ford Motor  
23 Company, when you go out -- like I said, I was in  
24 engineering. They said we need for you to go to

1       the floor. This is a temporary position. Then I  
2       would go back to engineering, okay?

3                 They never stated that, Pam -- they  
4       moved me from my -- my job in center shop to the  
5       BOM or whatever. You know, all these names they  
6       call it into there. I'm just stating that was my  
7       permanent job.

8                 Q.        Okay.

9                 A.        Does that make sense? That was a  
10      permanent job I did for almost a year.

11                Q.        And the negative to that is --

12                A.        I never got paid for that position.

13                Q.        Okay. All right.

14                A.        It was not -- I never got paid. I  
15      never was promoted.

16                Q.        Would it be safe to say that that  
17      issue is not related to the transition, in terms  
18      of -- it certainly wasn't discussed on the 27th or  
19      anything like that?

20                A.        What do you mean "the 27th"?

21                Q.        The May 27th meeting. I'm sorry.

22                A.        Well, you asked me if there was any --  
23      you just asked me if there was any other issues, so  
24      I'm letting you know.

1                   Q.     Oh, absolutely. I'm just trying to  
2 understand. That issue didn't exist at the time of  
3 your transition?

4                   A.     Well, I was in -- I don't understand  
5 the question. Excuse me. I don't understand the  
6 question.

7                   Q.     All right. Let's do this. What other  
8 issues might be out there, in terms of  
9 representations that you feel were made to you and  
10 not followed through on by ZF Batavia?

11                  A.     Well, I just stated that.

12                  Q.     I know. Are there any others?

13                  A.     Well, they promised that we'd go to --  
14 on the monetary type --

15                  Q.     Anything, just anything.

16                  A.     Well, we were supposed to go to CVT,  
17 ground floor. We need your expertise.

18                  Q.     And there are Ford transitionals in  
19 CVT, aren't there?

20                  A.     Couple, mean one.

21                  Q.     What date did you think you would be  
22 in CVT by?

23                  A.     They said they were ground floor.

24     I -- they -- I did not have an idea what date --

1 I'm not going to get into that petty stuff. They  
2 said ground floor, you'll have promotional  
3 opportunities. ZF has been there what, four years?

4 Q. All right.

5 A. We'll conclude to that, have the  
6 conclusion with that.

7 Q. Any other issues?

8 A. I can't think of any right now.

9 Q. All right. If you do, please let me  
10 know.

11 A. I do know -- you know, like the  
12 difference percentages in AIP.

13 Q. Okay. And I think we talked about  
14 that.

15 A. I just wanted to throw that back in.

16 Q. All right. During the time that  
17 you've been employed by ZF Batavia, have you always  
18 received your full base salary?

19 A. Have I always -- my full base salary?  
20 No.

21 Q. Okay. When have you received less  
22 than your full base salary?

23 A. When I took more -- when I used my  
24 personal, those three days up.

1                   Q.     Well, you were paid for those three  
2 personal days, weren't you?

3                   A.     Yeah, but if I took two more or -- you  
4 know, if I had to take personal days, it was  
5 unpaid.

6                   Q.     And did you take unpaid personal days?

7                   A.     Yes, sir.

8                   Q.     Okay. And then other than that, have  
9 you always received your full base salary?

10                  A.     Well, when I was on medical, I haven't  
11 received my -- whatever, the one day. I'll have to  
12 talk to -- they haven't sent it to me in the mail.  
13 I had to have surgery. But as far as I know, yes.

14                  Q.     All right. Certainly you've never  
15 been approached by anyone that said, Hey, jeez,  
16 Pam, we've took a look at your timecards and they  
17 don't quite jibe and we're going to dock you or  
18 anything like that?

19                  A.     No.

20                  Q.     Okay. Are you aware that that type of  
21 issue has arisen with any other salaried employees?

22                  A.     I've heard it has.

23                  Q.     Okay. And what have you heard?

24                  A.     O'Hagan was docked.

1 Q. Now, who is O'Hagan? Have we --

2 A. He's in maintenance. This is just on  
3 the floor, hearsay.

4 Q. And give me a little detail on what  
5 you've heard, to the extent you know it.

6 A. He was docked.

7 Q. What was he docked for?

8 A. He was late.

9 Q. All right. And who docked him?

10 A. It was the manager.

11 Q. Do you know who that would be?

12 A. Milt Gross.

13 Q. How late was he?

14 A. I don't know, five minutes. I -- five  
15 to 10 minutes.

16 Q. And how much did he get docked?

17 A. I have no idea.

18 Q. Date when that happened?

19 A. No.

20 Q. Anybody else?

21 A. There was a gentleman at -- this is --  
22 again, this is just hearsay, converters and they  
23 fire because of that.

24 Q. Would that be -- well, do you remember

1 who that was?

2 A. I can't think of his name.

3 Q. Victor Flanigan?

4 A. That sounds familiar. We've had quite  
5 a few come and go like that. I'm sorry, but I  
6 can't remember.

7 Q. Okay. Anybody else other than those  
8 two individuals?

9 A. They share them. Jim Caldwell, I'm  
10 going to -- he had taken a new position and he said  
11 that Milt Gross called him and he wanted him to  
12 dock Dave Osborne five minutes for being late.

13 Q. Do you have any personal knowledge  
14 about that?

15 A. Pardon me?

16 Q. Do you have any personal knowledge as  
17 to that?

18 A. Well, Jim Caldwell, he -- he was my  
19 boss and he was telling me that Milt, who was his  
20 boss and it goes on, wanted him to dock him and he  
21 said no. He put in enough five minute casual  
22 times. I mean, that wasn't anything to --

23 Q. So Mr. Osborne wasn't docked?

24 A. No, sir. From my knowledge, he said

1 he wasn't going to do that.

2 Q. All right. Anybody else?

3 A. Not that I'm aware of.

4 Q. We've been going at this for a little  
5 while now. As you sit there currently, is there  
6 any part of your testimony that you feel that you  
7 need to supplement or correct or otherwise modify?

8 A. Right now, I can't think of anything.

9 MR. HUNTER: Okay. I think that I'm  
10 good for right now.

11 MR. SIMON: Off the record, take a  
12 break.

13 (Off the record: 12:24 p.m. - 12:36 p.m.)

14 EXAMINATION

15 BY MR. VANWAY:

16 Q. Ready to go? Ms. Blanco, I think  
17 we've -- if we haven't officially met, I know we've  
18 been in depositions together. I'm Jeff VanWay. I  
19 represent Ford in this case and I have a few  
20 questions for you this afternoon.

21 During the six or so years that you  
22 worked with Ford, you were always a salaried  
23 employee, right?

24 A. That's correct.

1 Q. Never were a member of the union?

2 A. No.

3 Q. Okay. When you were with Ford, did  
4 you have an employment contract with Ford?

5 A. Yes.

6 Q. And what -- was it a one document?

7 Was it several documents? What did it consist of?

8 A. You just -- it was just a contract.

9 You know what? I really don't know.

10 Q. Well, did you have a written contract  
11 with them that you're aware?

12 A. I don't know.

13 Q. What makes you think that you may have  
14 had a contract with Ford?

15 A. Because if you do your job well, you  
16 have a contract with your employee.

17 Q. That's just your general understanding  
18 of kind of how the workforce works?

19 A. Yes.

20 Q. Not just at Ford, but at other places  
21 that you worked?

22 A. Yes.

23 Q. Do you remember anyone from Ford  
24 signing a contract with you that specified anything

1       about how you were going to be paid, your benefits,  
2       anything like that?

3           A.     We signed up things for benefits.

4           Q.     You signed up for benefits --

5           A.     Right.

6           Q.     -- right? But in this case, you know,  
7       you had an offer letter and you have Exhibit 2,  
8       which you have referred to as a contract.

9           A.     Right.

10          Q.     Did you have similar documents that  
11       you believe were a contract at Ford?

12          A.     No.

13          Q.     You received an offer letter from Ford  
14       when you started working there, right?

15          A.     That's correct.

16          Q.     Did you believe that document was a  
17       contract?

18          A.     I hadn't accepted it. So, no, it  
19       wasn't a contract.

20          Q.     Once you accepted, did you believe it  
21       became a contract?

22          A.     If you do your job. I'm trying to  
23       think of the letter you're talking about --

24          Q.     Well, let's do this.

1           A.     -- an acceptance letter.

2           Q.     Ms. Blanco, you have in front of you  
3     Exhibit 131 and that appears to be the offer letter  
4     that you received when you were first hired with  
5     Ford; is that correct? Is that what that document  
6     is?

7           A.     Yes, sir.

8           Q.     Was it your understanding that this  
9     offer letter, this Exhibit 131 was a contract  
10    between you and Ford?

11          A.     A contract, no. I -- if I wanted to  
12    have the job, they accepted my employment.

13          Q.     Okay. But the offer letter itself  
14    wasn't a contract?

15          A.     No.

16          Q.     What's different about the offer  
17    letter you received from ZF Batavia, Exhibit 129,  
18    and Exhibit 131? And when I say "what's  
19    different," I mean, why is it that you consider 129  
20    to be a contract, but not 131?

21          A.     They gave you -- they specified -- I  
22    knew this was a contract for my salary. When I  
23    came in --

24          Q.     And you're talking about 131?

1           A.     Right.

2           Q.     Okay. You believed 131 was a  
3     contract --

4           A.     Okay.

5           Q.     -- for your salary? Is that --

6           A.     Ford Motor Company would not come in  
7     and say you're going to get this much salary and  
8     then my next pay period or whatever -- you know,  
9     turn around and give me a less --

10          Q.     Okay. So your under --

11          A.     Does that make sense?

12          Q.     Your understanding based on the offer  
13     letter from Ford was that your salary would never  
14     be less than what it was stated in the offer  
15     letter; is that right?

16          A.     Never be less? Well, if you do your  
17     job, you have a contract with the company.

18          Q.     Okay. Did you understand that your  
19     salary would always be at least what was stated in  
20     the offer letter? Is that your understanding?

21          A.     You know, I didn't. I don't remember  
22     what I thought when I --

23          Q.     Okay.

24          A.     I'll tell you what I thought. I

1       thought, hot -- hot dog. I got the company that I  
2       wanted to work for. I didn't want to work for  
3       Chrysler. I wanted to work for Ford.

4           Q.     Okay. Fair enough.

5           A.     That's what I thought.

6           Q.     As you look at 129 and 131 kind of  
7       side by side there, if you could. Do you have 129?  
8       There you go.

9           A.     Okay.

10          Q.     As you look at those two side by side,  
11       and I know I asked this, but I'm not -- I'm just  
12       not clear on the answer.

13           What is it -- why is it that you  
14       believe Exhibit 129 is a contract, but Exhibit 131  
15       is not?

16           MR. SIMON: I think that  
17       mischaracterizes her testimony about Exhibit 129.  
18       You can answer.

19           A.     Now, which one is 129?

20          Q.     Let me ask this. Do you believe that  
21       Exhibit 129, the offer letter from ZF Batavia that  
22       you declined, do you believe that's a contract with  
23       ZF Batavia?

24           A.     No. Right here.

1                   Q.     Okay. So the only contract is Exhibit  
2                2?

3                   A.     And it states the salary. I mean,  
4                'cause it says salary, base salary starting.

5                   Q.     Right.

6                   A.     It says current Ford salary right  
7                here.

8                   Q.     You're reading that --

9                   A.     Right there.

10                  Q.     -- from Exhibit 2? Okay. So the only  
11                contract is Exhibit 2?

12                  A.     Right here.

13                  MR. SIMON: Objection,  
14                mischaracterizes her testimony. Go ahead.

15                  Q.     So you have to put them together?  
16                Exhibit 129 and Exhibit 2, together they're the  
17                contract?

18                  A.     Okay.

19                  Q.     Is that your testimony?

20                  A.     Yeah, right.

21                  Q.     Okay. So if with Exhibit 131 you had  
22                received a document similar to Exhibit 2, then  
23                would you have had a contract with Ford?

24                  A.     Yes.

1                   Q.     Okay. Now, I notice in the offer  
2 letter here from Ford, the first paragraph, it  
3 mentions an enclosed summary of salaried benefits.  
4 Do you remember receiving a summary of salaried  
5 benefits from Ford around the time you were hired?

6                   A.     No, sir.

7                   Q.     Okay. You just don't remember?

8                   A.     Sure. I don't remember. Like I said,  
9 let me state again. I read this and I just --  
10 ecstatic.

11                  Q.     Okay. Fair enough. Now, Exhibit 132  
12 appears to be the application for salaried  
13 employment that you filled out when you were trying  
14 to get the job with Ford. Is that -- am I correct?  
15 Is that what this document is?

16                  A.     Yes.

17                  Q.     And it's your handwriting on this  
18 document?

19                  A.     Yes.

20                  Q.     And on the second page, is that your  
21 signature there?

22                  A.     Yes.

23                  Q.     Okay. And the date looks like July  
24 26th, '93. Is that around the time you were making

1       an application with Ford?

2           A.     Yes.

3           Q.     Now, Exhibit 133 is a document that  
4     was produced in this case by Ford as a part of your  
5     salaried personnel file. Let me ask you first, the  
6     lower left hand, is that your signature that  
7     appears there?

8           A.     Mm-hmm, yes, sir.

9           Q.     And do you agree with me that this is  
10    a document you signed while you were employed by  
11    Ford?

12          A.     Yes, sir.

13          Q.     Now, during the time that you worked  
14    for Ford, did your compensation ever change?

15          A.     Yeah, compensation, what are you --

16          Q.     Your salary --

17          A.     Yes.

18          Q.     -- your salary ever change? Got merit  
19    increases?

20          A.     Yes, sir.

21          Q.     Did you get the same merit increase  
22    every year?

23          A.     No, I don't believe so.

24          Q.     It was fluctuated, right?

1           A.     Right.

2           Q.     And that was according to the  
3        company's discretion, right, in terms of it was  
4        their decision as to what increase to give you?

5           A.     For merit?

6           Q.     For merit.

7           A.     Yes.

8           Q.     And you received profit sharing when  
9        you were with Ford?

10          A.     Yes, sir.

11          Q.     And the percentage of profit sharing,  
12        that varied from year to year, didn't it?

13          A.     Yes, sir.

14          Q.     And, again, that was subject to the  
15        company's discretion, correct?

16          A.     Yes, sir.

17          Q.     I mean, you didn't have any contract  
18        with them that said they had to pay --

19          A.     No.

20          Q.     -- you a certain percentage profit  
21        sharing?

22          A.     No, sir.

23          Q.     And, in fact, you didn't have anything  
24        that said they had to pay you any profit sharing at

1 all, did you?

2 A. No, sir.

3 Q. You had benefits with Ford as well,  
4 things like medical, health insurance, vacation, et  
5 cetera, right?

6 A. That's correct.

7 Q. Some of those benefits changed from  
8 time to time while you were with Ford, didn't they?

9 A. No, sir, not that I can recall.

10 Q. Were there ever any changes in your  
11 health insurance?

12 A. No, sir.

13 Q. Never changed carriers?

14 A. No. I had Blue Cross-Blue Shield the  
15 whole time.

16 Q. Never changed the amount that you paid  
17 for health insurance?

18 A. Not that I can remember, no, sir.

19 Q. Never changed deductibles?

20 A. No, sir.

21 Q. Co-pays?

22 A. No, sir.

23 Q. Okay.

24 A. I can't -- no, nothing changed.

1                   Q.     Okay.  What about dental, did your  
2     dental ever change while you were with Ford, if you  
3     can recall?

4                   A.     You know what?  I can't remember.  No,  
5     I -- no, I had Blue Cross-Blue Shield for my  
6     insurance and they never changed nothing.

7                   Q.     Okay.

8                   A.     Everything stayed the same.

9                   Q.     You understood, though, didn't you,  
10    that those things were subject to change?

11                  MR. SIMON: Objection, vague and  
12    ambiguous.

13                  Q.     You understood that your health  
14    insurance was subject to change while you were with  
15    Ford, didn't you?

16                  MR. SIMON: Same objection.

17                  A.     Yes, yes, sir.

18                  Q.     Yes?

19                  A.     Yes, sir.

20                  Q.     Okay.

21                  A.     I mean, that's -- yeah.

22                  Q.     I mean, that's kind of the way of the  
23    workforce, right?  Those sorts of things are  
24    subject to change?

1 MR. SIMON: Same objection.

2 Q. Now, you have testified as to, I  
3 believe, four what you've called unfulfilled  
4 promises. And I believe overtime, bereavement,  
5 personal days and AIP.

6 Do you still have Exhibit 130 in front  
7 of you?

8 MR. SIMON: Here it is right here.

9 Q. If you would on Exhibit 130, turn,  
10 please, to page -- well, starting on page 5, which  
11 is the beginning of interrogatory number nine. And  
12 in interrogatory number nine, you were asked  
13 essentially to summarize the changes that had been  
14 made, as well as to list who had made the changes.  
15 Do you see where I'm at?

16 A. Yes.

17 Q. Okay. And then your response starts  
18 on page 5, carries over and goes all the way to  
19 page 7. And in those pages lists various changes,  
20 including those you've testified about today  
21 overtime, AIP, et cetera.

22 And then on page 7, you see where  
23 there are the indented paragraphs there? There are  
24 three indented or --

1           A.     Vacation, sick.

2           Q.     You're right. And then there's a full  
3 paragraph that starts with plaintiff asserts  
4 that -- do you see where I'm at?

5           A.     Right here?

6           Q.     Right. And it says, Plaintiff asserts  
7 that each of the policies described herein was  
8 authorized by ZF Batavia and Ford management.

9                   Is it your testimony that the policy  
10 changes in overtime, bereavement, personal days and  
11 AIP, that those changes were all authorized by Ford  
12 management?

13          A.     Can you --

14          Q.     Sure. Let's go one at a time.

15          A.     No. Can you be more specific what  
16 you're asking? I'm --

17          Q.     Well, I'll try. In your  
18 interrogatory, you've said that the changes that  
19 are made to the various benefits that are at issue  
20 in this case were authorized by Ford management.

21                   I'm asking you, as you sit here today,  
22 do you still believe that to be true?

23          A.     Yes, sir.

24          Q.     Okay. What Ford manager authorized

1 the overtime change?

2 A. I just think they knew.

3 Q. Do you have a name for me, the Ford  
4 manager that authorized that?

5 A. Of Ford, of the change?

6 Q. Who in Ford management authorized the  
7 change in overtime?

8 A. They just knew.

9 Q. You don't know of any specific  
10 individual that authorized that change? Do you  
11 know of any specific individual that authorized  
12 that change?

13 A. At Ford, no.

14 Q. Okay. Bereavement, do you know of any  
15 specific individual with Ford that authorized the  
16 bereavement change?

17 A. No.

18 Q. Personal day change, do you know of  
19 any specific individual with Ford that authorized  
20 that change?

21 A. No.

22 Q. AIP, do you know of any specific  
23 individual with Ford that authorized that change?

24 A. No.

1                   Q.     Now, you say "they just knew." What  
2 do you base that belief on?

3                   A.     You own 49 percent of the company --  
4 corporation -- company, they would know. They  
5 would know what's going on in their -- they've had  
6 other joint ventures. They would know. They  
7 should -- the board of directors.

8                   Q.     Other than the fact that they own 49  
9 percent of the joint venture, is there any other  
10 reason that you believe Ford knew of these changes?

11                  A.     Yes.

12                  Q.     Okay. And what other reason would  
13 that be?

14                  A.     I have someone state that they have  
15 let Ford Motor Company know of different procedures  
16 that were getting changed.

17                  Q.     Who was that? Who said that?

18                  A.     I would rather not say.

19                  Q.     I appreciate that, but I need you to  
20 answer the question, please.

21                  MR. SIMON: Pam, you're going to have  
22 to answer, even if it might be personal. You have  
23 to say who said that. Is there a way -- the  
24 witness is struggling over this and I'm sure we can

1 revisit this. She'll answer that. Maybe we can  
2 return to this question after your examination.

3 MR. VANWAY: I don't know if we need  
4 another break. Are you asking for a break or --

5 MR. SIMON: Well, I know a question is  
6 pending. She's struggling to answer because  
7 there's -- apparently there's perhaps a reason she  
8 doesn't want to say the name. I don't want to put  
9 her in an awkward position. Without taking a  
10 break, I don't know. I'm just saying that perhaps  
11 we can revisit this question.

12 MR. VANWAY: Well, either way, I'm  
13 going to ask the question, so I guess I'm not  
14 following you. I mean, are you instructing the  
15 witness not to answer the question?

16 MR. SIMON: No. I'm just asking you  
17 as a courtesy, you want to come back to the  
18 question. Since we just took a break, it doesn't  
19 make sense to take a break now. But I -- yes, I'm  
20 asking you to have a break at some point before she  
21 answers the question because she's struggling to  
22 answer and I'm not quite sure why.

23 MR. VANWAY: Well, I'll come back to  
24 it out of courtesy, but it is a question that I do

1 believe I'm entitled to get the answer to.

2 MR. SIMON: I appreciate that.

3 THE WITNESS: Thank you.

4 BY MR. VANWAY:

5 Q. Ms. Blanco, you prefer not to answer  
6 that question at this moment; is that --

7 A. That's correct.

8 Q. All right.

9 MR. SIMON: Thanks.

10 Q. Other than those two reasons that you  
11 stated, because Ford's 49 percent shareholder in  
12 the joint venture and because someone told you that  
13 they let Ford know of the changes, any other  
14 reasons you believe that Ford, as you said in the  
15 interrogatories, authorized the changes?

16 A. Not that I can think of at this time.

17 Q. Okay. And with respect to the fact  
18 that Ford is a 49 percent shareholder, do you have  
19 any specific knowledge that anyone on the board of  
20 directors was involved in any of these changes that  
21 you've testified about?

22 A. Repeat that again.

23 Q. Sure. With respect to the four  
24 changes you've testified about, overtime,

1 bereavement, personal and the AIP, do you have any  
2 knowledge that the board of directors of ZF Batavia  
3 was involved in those changes?

4 A. No.

5 Q. Is there more to your answer? You  
6 look like there's something else that you want to  
7 say. This is -- I mean, if there's something you  
8 want to explain, that's fine. Feel free to go  
9 ahead.

10 A. No.

11 Q. Okay. Do you know, in fact, whether  
12 policy changes, these policy changes even went up  
13 to the board of directors?

14 A. Yes, sir. I mean, I don't know that.

15 Q. Okay.

16 A. Personally, corporations they know --  
17 the board of directors, they review items on the  
18 table.

19 Q. You're talking in general, based on  
20 your experience in the workforce?

21 A. Yes, sir.

22 Q. But no specific knowledge as to what  
23 the ZF Batavia board of directors does or doesn't  
24 review; is that right?

1           A.     Not at this time.

2           Q.     Okay. As we're in the deposition, if  
3 something occurs to you, will you let me know?

4           A.     Yes.

5           Q.     Okay. Have you ever attended a board  
6 of directors meeting?

7           A.     No, sir.

8           Q.     Have you ever reviewed the minutes  
9 from the board of directors meeting?

10          A.     Yes.

11          Q.     And in any of those minutes, have you  
12 ever seen anything in those minutes that reflected  
13 these policy changes?

14          A.     No, sir.

15          Q.     Prior to the time that you accepted  
16 employment with ZF Batavia, did anyone ever tell  
17 you that you would receive a larger AIP percentage  
18 than the new hires would receive?

19          A.     A larger AIP?

20          Q.     Yes.

21          A.     I don't know, sir.

22          Q.     Or that you would receive the same AIP  
23 that the new hires would receive?

24          A.     That was just a given.

1 Q. You thought that was a given?

2 A. Yes, sir.

3 Q. But nobody said it?

4 A. No, sir. No one stated, though, we  
5 were going to get less than the ZF.

6 Q. I understand. Now, you testified  
7 earlier in response to Mr. Hunter's questions, kind  
8 of your understanding of what we've called the  
9 subject to change language here in Exhibit 2.

10 A. Okay.

11 Q. And I believe you testified that it  
12 referred to -- your understanding was it referred  
13 to things like the dental plan, 401K plan. Did  
14 anyone either from Ford or from ZF tell you that  
15 that's what this information, this language  
16 referred to?

17 A. Sorry. I know that they have to have  
18 a plan.

19 MR. SIMON: He was asking -- I'm sorry  
20 to interrupt, but he was asking, did anyone tell  
21 you about that disclaimer?

22 THE WITNESS: No, sir.

23 Q. And in any of the employee meetings,  
24 the disclaimer was never discussed, was it?

1           A.     No, sir.

2           Q.     And in your conversations with Hassan,  
3     that wasn't ever discussed, was it?

4           A.     No, sir.

5           Q.     When did you first reach the  
6     interpretation that you testified about today? In  
7     other words, you testified today that you believe  
8     that subject to change language only meant things  
9     like dental plan, 401K. When is the first time  
10    that you reached that understanding of that  
11    language?

12          A.     Previous work experience and I have an  
13     accounting degree. We -- I have worked with the  
14     medical and the dental -- the summary plans, that  
15     type of thing.

16                 So my accounting degree had a lot of  
17     barrier to -- knowledge of that, plus work related,  
18     being a manager in a chemical plant.

19          Q.     Okay. So based on all that prior  
20     experience, that's what went into your  
21     determination that that language was limited to as  
22     you've testified today?

23          A.     Yes, sir.

24          Q.     Okay. And did you have that

1 understanding at the time you read it or did you  
2 even give that language any thought at that time?

3 A. I read -- I read -- like I stated, I  
4 read this.

5 Q. I understand. But I guess what I'm  
6 asking is, when you read it, did you consider at  
7 all this language here that we've been discussing,  
8 the subject to change language? Did you give that  
9 language any consideration at all?

10 MR. SIMON: Objection to the phrase  
11 "consideration." Go ahead.

12 A. Restate that again, please.

13 Q. Sure. As you read the entire Exhibit  
14 2 at the time you received it, did you focus at all  
15 on this disclaimer language?

16 A. Did I focus on, no.

17 Q. I mean, you didn't read it any more  
18 carefully than you did anything else in here,  
19 right?

20 A. Well, I don't know at that present  
21 time what I -- I read the -- I don't know if you  
22 would say I focused on this or I focused on that.  
23 I don't know at this time.

24 Q. Well, were there some things in

1       Exhibit 2 that were more important to you than  
2       others?

3           A.     Well, yes, sir.

4           Q.     And was the language that we've been  
5       referring to, this disclaimer language, was that  
6       one of those things that was more important to you  
7       than some of the other things?

8           A.     That's just standard in industry to  
9       state that. You have to have that in there for the  
10      medical and dental.

11          Q.     Okay. While you were with Ford, as a  
12      Ford employee, was it your understanding that Ford  
13      could or could not change its overtime policy?

14          A.     They could.

15          Q.     Did they have to have your approval to  
16      change that?

17          A.     No.

18          Q.     Is it your understanding that ZF  
19      Batavia can or cannot change its overtime policy?

20            MR. SIMON: Objection. Calls for a  
21      legal conclusion.

22          Q.     Just asking for your understanding,  
23      ma'am.

24            MR. SIMON: Same objection.

1                   A.     Not what I've been stating, that this  
2     is my contract.

3                   Q.     Well, I understand your position on  
4     Exhibit 2. I'm not referring necessarily to  
5     Exhibit 2. I'm just asking in general, is it your  
6     understanding that ZF Batavia can or cannot change  
7     its overtime policy?

8                   A.     No.

9                   MR. SIMON: Objection.

10                  A.     No.

11                  Q.     They cannot change it? And the reason  
12    they can't change it is because of Exhibit 2?

13                  A.     Yes.

14                  Q.     Okay. You testified that while you  
15    were at Ford, you were told to try to get to work  
16    30 minutes before the start of the shift, and you  
17    did that, right?

18                  A.     Yes.

19                  Q.     Were you paid for that 30 minutes?

20                  A.     No, sir.

21                  Q.     Was that the policy that you didn't  
22    get paid for the 30 minutes that you'd show up  
23    early?

24                  A.     That was like -- kind of like your

1       comp time. Is that what you're talking about?

2           Q.     Well, you say "comp time." I mean,  
3     did you get additional time off in lieu of pay for  
4     showing up 30 minutes early?

5           A.     No, sir.

6           Q.     So that time, in essence, you showed  
7     up and you kind of gave that time to the company,  
8     if you will?

9           A.     Yes, sir.

10          Q.     Okay. You testified, Ms. Blanco,  
11     about the BOM job, I believe that you referred to  
12     that you received in 2000. And I just want to make  
13     sure, is that strictly a ZF Batavia issue? In  
14     other words, do your concerns regarding not getting  
15     paid and not keeping that promotion, does that  
16     involve Ford in any way?

17          A.     Yes, sir.

18          Q.     Okay. How does it involve Ford?

19          A.     We were supposed to have a committee  
20     or that's what I stated occurred in our meetings  
21     that we would have a Ford -- to oversee.

22          Q.     I guess I need a little more  
23     explanation. You were supposed to have a committee  
24     to oversee what?

1           A.     Oversee the Ford transition people.

2           Q.     Just oversee the Ford transition  
3     people or --

4           A.     And Ford.

5           Q.     -- to oversee the whole plant?

6           A.     Right.

7           Q.     The whole plant? And that was a  
8     committee that had some Ford people on it and some  
9     ZF people on it; is that right?

10          A.     No. It was just going to be Ford  
11     because it -- just Ford.

12          Q.     Okay. And who told you that there was  
13     going to be such a committee?

14          A.     It was in a meeting.

15          Q.     In the May 27th meeting?

16          A.     Yes, sir.

17          Q.     Do you remember who said that in the  
18     May 27th meeting?

19          A.     No, sir.

20          Q.     I've -- as I've looked through Exhibit  
21     4 a number of times, I've never seen any reference  
22     to the existence or the plan for such a committee.  
23     Were there any slides put up about this committee?

24          A.     No, sir. It was just verbal.

1           Q.     Was there discussion at this meeting  
2     about there's going to be a board of directors at  
3     ZF Batavia?  Was that discussed?

4           A.     There was going to be -- like there's  
5     49 percent, they were going to have some Ford and  
6     some ZF.

7           Q.     Okay.

8           A.     That was mentioned.

9           Q.     Okay.  And when you say there was  
10   going to be a committee, is that what you're  
11   referring to, this discussion that there was going  
12   to --

13          A.     No, sir.

14          Q.     -- be some Ford and some ZF on a board  
15   of directors?

16          A.     No, sir.

17          Q.     So your understanding was there would  
18   be a separate committee?

19          A.     Yes, sir.

20          Q.     And who was this committee going to  
21   report to, do you know?

22          A.     They never stated.

23          Q.     Who was going to be on the committee,  
24   do you know?

1           A.     No, sir.

2           Q.     Was it going to be people from Batavia  
3     or from outside Batavia?

4           A.     They didn't get into specifics.

5           Q.     And when you say "they," is there more  
6     than one person that communicated --

7           A.     I -- that was just a --

8           Q.     -- this to you?

9           A.     -- phrase. I -- someone -- person,  
10    whoever, I cannot remember who it was.

11          Q.     Okay. Do you have Exhibit 4 in front  
12    of you? If you could get Exhibit 4 in front of  
13    you. If you would, turn to the second page of that  
14    document, which is Bates stamped number one. It  
15    lists an agenda.

16                 Other plaintiffs in this case have  
17    told me that their understanding was that what  
18    was -- who spoke on which topic pretty well  
19    followed the agenda at the meeting. Is that your  
20    understanding as well? Do you remember it that  
21    way?

22          A.     Yes.

23          Q.     Okay. As you see these names now in  
24    front of you, does that refresh your recollection

1 at all as to who may have discussed this committee  
2 concept?

3 A. No, sir.

4 Q. Do you know, are you able to rule any  
5 of these people out and say, well, he definitely  
6 didn't discuss the committee?

7 A. No, sir --

8 Q. Okay.

9 A. -- I can't.

10 Q. Are you sure it's one of these people  
11 that's even listed here?

12 A. No, sir.

13 Q. I'm not trying to be difficult. I'm  
14 just trying -- trying to figure it out. And what  
15 was your understanding this committee was going to  
16 do?

17 A. Oversee that everything was followed.

18 Q. That what was followed?

19 A. Just the -- oversee of the plant.

20 Q. The entire operations of the plant?

21 A. No. ZF -- Ford transition people and  
22 Ford people.

23 Q. Okay. So they were going to -- I'm  
24 just -- I'm just not following because I wasn't

1       there. Were they going to make sure that Ford  
2       people and transitional were doing their jobs or  
3       what was the committee going to do?

4           A.     To make -- I'm paraphrasing.

5           Q.     Sure.

6           A.     I -- you know, I don't know the exact  
7       terminology. It was more of everyone joining  
8       together and everything working out and everybody  
9       being treated fairly. That's -- I'm paraphrasing  
10      and I'm making it my own --

11          Q.     Okay. You never saw anything in  
12      writing about the committee, did you?

13          A.     No, sir.

14          Q.     That must have concerned you, I would  
15      assume, right?

16          A.     No, sir.

17          Q.     Well, I thought you testified earlier  
18      that it was important to you to get things in  
19      writing?

20          A.     It was. This was -- this was very  
21      important to get this in writing, yes.

22          Q.     But there's nothing in Exhibit 2 -- I  
23      know you would agree there's nothing in Exhibit 2  
24      about the committee. So why didn't it concern you

1       that you had nothing in writing about this  
2       committee?

3           A.     Because what they went through here  
4       was written here.

5           Q.     Okay. But you said they went through  
6       the committee at the meeting, and yet it wasn't  
7       written in Exhibit 2?

8           A.     'Cause with Ford, if you did your job  
9       everything -- they took care of it.

10          Q.     Okay. But you weren't going to be  
11       with Ford anymore.

12          A.     But we were Ford transition. We were  
13       going to be treated like -- it was going to be --  
14       not treated. I don't want to use that word. We  
15       were going to have Ford benefits, Ford -- be like  
16       Ford.

17          Q.     You understood clearly, though, that  
18       you weren't going to be working for Ford anymore?

19          A.     That's correct.

20          Q.     Okay. And how does the -- this  
21       committee, how does that relate to the BOM job and  
22       the issues with that that you testified about?

23          A.     Because they would have oversaw that  
24       situation.

1 Q. Okay. Who offered you the BOM job?

2 A. Hassan Saleh and Dick Newark.

3 Q. And at the time, both Mr. Saleh and

4 Mr. Newark offered you that job, they were both ZF  
5 employees, correct?

6 A. Yes.

7 Q. No Ford employee offered you that job,  
8 did they?

9 A. No, sir.

10 Q. Did you ever complain to anyone from  
11 Ford about the issues with that job?

12 A. No, sir.

13 Q. Have you ever complained to anyone  
14 from Ford about any of your issues in this case,  
15 you personally?

16 A. I would rather not state. There's  
17 just certain things -- I'm sorry. But there are  
18 certain things that I will not -- I cannot --

19 MR. SIMON: Hold on one second. I  
20 think we're back to the same issue we were before.  
21 I just -- all I'm asking is just a courtesy. Once  
22 you finish your questioning, we'll take a break and  
23 try to address those questions.

24 MR. VANWAY: I understand and we'll do

1       that. I just want to make sure that -- my question  
2       was different. And if you still need some time  
3       before you want to answer it, we can do that.

4                  But my question was not the one before  
5       about who complained to Ford, but it was a question  
6       of whether you specifically ever complained to  
7       Ford. You understood that's the question I was  
8       asking, right?

9                  THE WITNESS: Yes.

10                 MR. VANWAY: Okay. As a matter of  
11       courtesy, we'll come back to that.

12                 MR. SIMON: Thank you.

13       BY MR. VANWAY:

14                 Q.      With respect to the CVT, you weren't  
15       ever promised a specific job at CVT, were you?

16                 A.      No, sir.

17                 Q.      And no one ever said that you would  
18       have a CVT job by the year 2003, did they?

19                 A.      No, sir.

20                 Q.      It was just your understanding that at  
21       some point in the future, there'd be an opportunity  
22       in CVT?

23                 A.      "Be on the ground floor," quote,  
24       unquote.

1 Q. And so far that hasn't happened?

2 A. That's correct.

3 Q. Okay. I noticed as you testified  
4 today that several times you referred to  
5 conversations with Mr. Saleh. And I think each  
6 time that you did, you referred to him as someone  
7 that had been your friend. And maybe it was --  
8 maybe I misunderstood, but it seemed like every  
9 time you did that, it was past tense.

10 Do you no longer regard Mr. Saleh as a  
11 friend?

12 A. Oh, I've got -- no, I'm not -- I don't  
13 want to.

14 MR. SIMON: I think you've hit another  
15 sensitive area.

16 THE WITNESS: Yeah. I want to tell  
17 you something.

18 MR. SIMON: Hold on one second. Can  
19 we take a break? I know there's a question  
20 pending.

21 MR. VANWAY: If it will help get the  
22 answers to the three questions --

23 MR. SIMON: Yeah, I think --

24 MR. VANWAY: -- pending now.

1 MR. SIMON: -- we need them.

2 MR. VANWAY: Sure.

3 MR. SIMON: Thank you.

4 MR. VANWAY: Okay.

5 (Off the record: 1:10 p.m. - 2:26 p.m.)

6 Q. Ms. Blanco, you understand you're

7 still under oath?

8 A. Yes.

9 Q. Do you know an employee by the name of  
10 Eddie Adams?

11 A. Yes, sir.

12 Q. Have you had any conversations with  
13 Eddie Adams about this lawsuit?

14 A. They knew we were on -- everybody  
15 knows that -- conversation --

16 MR. SIMON: The question is, have you  
17 talked to Eddie Adams --

18 Q. Have you spoken to him about the  
19 lawsuit?

20 MR. SIMON: -- about the lawsuit?

21 A. You know, I can't remember.

22 Q. Okay. You know, if he's aware of it,  
23 I don't care.

24 A. I'm being -- I'll be honest.

1 Q. I appreciate that. Okay.

2 A. I have not a clue. People have come  
3 up --

4 Q. Sure.

5 A. I have not a clue.

6 Q. The reason I ask, he is listed by your  
7 lawyers as a potential witness at the trial of this  
8 case. Do you have any information as to why Eddie  
9 Adams might be a witness at the trial of this case?

10 A. No, sir.

11 Q. Are you aware --

12 A. I mean, I have not --

13 Q. Okay.

14 A. -- a clue.

15 Q. Are you aware of any knowledge that he  
16 has that's relevant to the issues in this case?

17 A. No, I have no idea at this time. I  
18 mean, I --

19 Q. Okay.

20 A. I don't know.

21 Q. That's all I need on that one. Thank  
22 you. Your wages now, your salary now is higher  
23 than it was when you left Ford, isn't it?

24 A. Yes.

1                   Q.     And it's -- you've gotten an increase  
2     every year since you've been with ZF Batavia?

3                   A.     Yes.

4                   Q.     With regard to the BOM job that we  
5     talked about earlier, when you were offered that  
6     job, did anyone tell you it was a permanent move?

7                   A.     They didn't say it was -- no.

8                   Q.     I understand. They didn't say it  
9     wasn't, but they didn't say it was, either, right?

10                  A.     (Witness nodded.)

11                  Q.     Okay. And I just need you to answer  
12     out loud.

13                  A.     Oh, yeah.

14                  Q.     Okay. When you accepted that job,  
15     were you given a choice or were you just told  
16     you're taking the BOM job?

17                  A.     I can't remember. If you need me to  
18     train, I can train. If you need me to do this, I  
19     do that. I'll --

20                  Q.     Okay. Did anyone at the time they  
21     offered that position, did anyone tell you that you  
22     would get a raise?

23                  A.     I talked to Dick Newark after the  
24     fact, after he saw what I had accomplished in that

1 and I said -- you know, I didn't -- our -- and I  
2 talked to Dick Newark.

3 Q. Okay. Afterwards?

4 A. After, yes.

5 Q. Prior to the -- prior to or at the  
6 time you accepted it, did anyone tell you that you  
7 were going to get a raise for that job?

8 A. No.

9 Q. Okay.

10 A. It was just a given.

11 Q. You thought it was a given?

12 A. Yes.

13 Q. Okay. Now, Ms. Blanco, there were  
14 three questions from this morning's session that I  
15 asked you and I know that you were reluctant to  
16 answer. We've taken a considerable break and my  
17 understanding is that now you will answer those  
18 questions, as long as we place that testimony under  
19 seal. Do I have that correct?

20 A. That's correct.

21 Q. Okay.

22 A. I can do that.

23 Q. Great. The questions from this point  
24 forward are going to be those that are under seal,

1        then.

2 A. Okay.

3 \* \* \*

4 CONFIDENTIAL MATERIAL UNDER SEPARATE SEAL, PAGE

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